

REMARKS

This application has been reviewed in light of the Office Action dated December 19, 2003. Claims 29-52 are presented for examination, of which Claims 29, 36, 40, 47, 51, and 52 are in independent form. Claims 1-28 have been canceled, without prejudice or disclaimer of subject matter. Claims 29-52 have been added to provide Applicant with a more complete scope of protection. Favorable reconsideration is requested.

The Examiner objected to the drawings on the grounds noted on page 2 of the Office Action.

Applicant has carefully reviewed and amended Figures 1, 2, 3, and 4 and the specification to overcome the noted objection. Furthermore, these figures, and Figures 5, 6, and 11-13, have been amended to ensure consistency of terminology. It is believed that the objection to the drawings has been remedied, and its withdrawal is therefore respectfully requested.

The Examiner objected to the specification and the abstract for the reasons noted at pages 2 and 3 of the Office Action. Applicant has carefully reviewed and amended the specification and abstract to overcome the noted objections. Furthermore, the specification has been amended to ensure consistency of terminology. Accordingly, Applicant submits that the objections to the specification and abstract have been remedied, and their withdrawal is therefore respectfully requested.

Claim 10 was objected to because of an informality noted on page 3 of the Office Action. Cancellation of Claim 10 renders the objection to this claim moot.

Claims 1-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,807,256 (*Taguchi et al.*) in view of U.S. Patent 5,640,628 (*Yoshida*).

Cancellation of Claims 1-28 renders the rejection of those claims moot.

The aspect of the present invention set forth in Claim 29 is an image processing apparatus. The apparatus includes image taking means for taking an image, display control means for controlling to display an image taken by the image taking means, selection means for selecting an image as an object for re-taking from among the already taken images displayed by the display control means, and re-taking instruction means for instructing the image taking means to re-take an image corresponding to the image selected by the selection means

Among other important features of Claim 29 are selecting an image as an object of re-taking from among the already taken images displayed by the display control means, and instructing the image taking means to re-take an image corresponding to the image selected by the selection means.

Taguchi et al. and *Yoshida*, alone or in combination, are not seen to disclose or suggest the apparatus as defined by independent Claim 29, particularly with respect to selecting an image as an object of re-taking from among the already taken images displayed by the display control means, and instructing the image taking means to re-take an image corresponding to the image selected by the selection means.

Taguchi et al. relates to a medical information processing system for comparing a plurality of diagnostic information including doctor's findings and results of computerized analysis of images and other examination data. The *Taguchi et al.* system discusses selecting an arbitrary image. That is, the *Taguchi et al.* system selects abnormal images of the same kind in a given inspection. However, nothing has been found in *Taguchi et al.* that would teach or suggest selecting an image as an object of re-taking from among the already taken images display by the display control means, as recited in Claim 29.

Yoshida relates to a photographic camera which records predetermined information on a photographic film. *Yoshida* discusses determining whether the current image taken is a re-take of a previously taken image, on the basis of the information stored in the magnetic storage portion as formed on the film. In the *Yoshida* system, the information stored in the magnetic storage portion as formed on the film is additional information, such as the date of photo-taking or the condition of photo-taking, and not the image itself. Nothing has been found in *Yoshida* that would teach or suggest selecting an image as an object of re-taking from among the already taken images display by the display control means, as recited in Claim 29. Even if *Taguchi et al.* and *Yoshida* are combined in the manner suggested by the Examiner, the result would not meet the terms of Claim 29.

Claim 29 is believed clearly allowable over *Taguchi et al.* and *Yoshida*, taken separately or in any proper combination.

Independent Claims 40 and 51 are method and storage medium claims, respectively, corresponding to apparatus Claim 29, and are believed to be patentable for reasons substantially similar to those as discussed above in connection with Claim 29.

The aspect of the present invention set forth in Claim 36 is an image processing apparatus. The apparatus includes image taking means for taking an image in association with an image taking ID, storage means for storing the image taking ID of the image taken by the image taking means, and output image set means for setting a previously taken image as the image to be outputted externally from the image processing apparatus, when the image is taken by the image taking means in association with the same image taking ID as the image taking ID stored in the storage means.

Among other important features of Claim 36 are storing the image taking ID of the image taken by the image taking means and setting a previously taken image as the image to be outputted externally from the image processing apparatus, when the image is taken by the image taking means in association with the same image taking ID as the image taking ID stored in the storage means.

Nothing has been found in *Taguchi et al.* or *Yoshida* that would teach or suggest storing the image taking ID of the image taken by the image taking means and setting a previously taken image as the image to be outputted externally from the image processing apparatus, when the image is taken by the image taking means in association with the same image taking ID as the image taking ID stored in the storage means.

Accordingly, neither *Taguchi et al.* and *Yoshida*, alone or in any proper combination, are not seen to disclose or suggest the apparatus as defined by independent Claim 36, and that Claim 36 is believed clearly allowable over *Taguchi et al.* and *Yoshida*, taken separately or in any proper combination.

Independent Claims 47 and 52 are method and storage medium claims, respectively, corresponding to apparatus Claim 36, and are believed to be patentable for reasons substantially similar to those as discussed above in connection with Claim 36.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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